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**OFFICE OF PETITIONS**

In re Application of :  
Tohru Ishizuya et al :  
Application No. 10/676,733 : **ON PETITION**  
Filed: October 2, 2003 :  
Attorney Docket No. 053847-5003 :

This is a decision on the petition, filed June 2, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on April 17, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2873 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy  
Petitions Examiner  
Office of Petitions

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. \_\_\_\_\_

Date : June 2, 2006  
TO : Director, Office of Patent Publication  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of

Applicant(s) :Tohru Ishizuya et al  
Application No. :10/676,733  
Filed :October 2, 2003

The above-identified application has been assigned Patent No. 7,064,884 and an issue date of June 20, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 20, 2006:

"All reference to Patent No. 7,064,884 to Tohru Ishizuya et al of Japan for OPTICAL ELEMENT, THIN FILM STRUCTURE, OPTICAL SWITCH, AND METHOD OF MANUFACTURING OPTICAL ELEMENT appearing in the Official Gazette of June 20, 2006 should be deleted since no patent was granted."

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468)  
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